



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 25, 2004

SUBJECT: **2004-0054 – Curves for Women** [Applicant] **Souzah & Safwat Gaballah Properties** [Owners]: Application for a 1.13 acre site located at **201 South Mary Avenue** in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 161-37-035) RK

Motion **Special Development Permit** to allow a 1,991 square foot fitness center in a new shopping center.

REPORT IN BRIEF

Existing Site Newly Constructed Shopping Center

Conditions

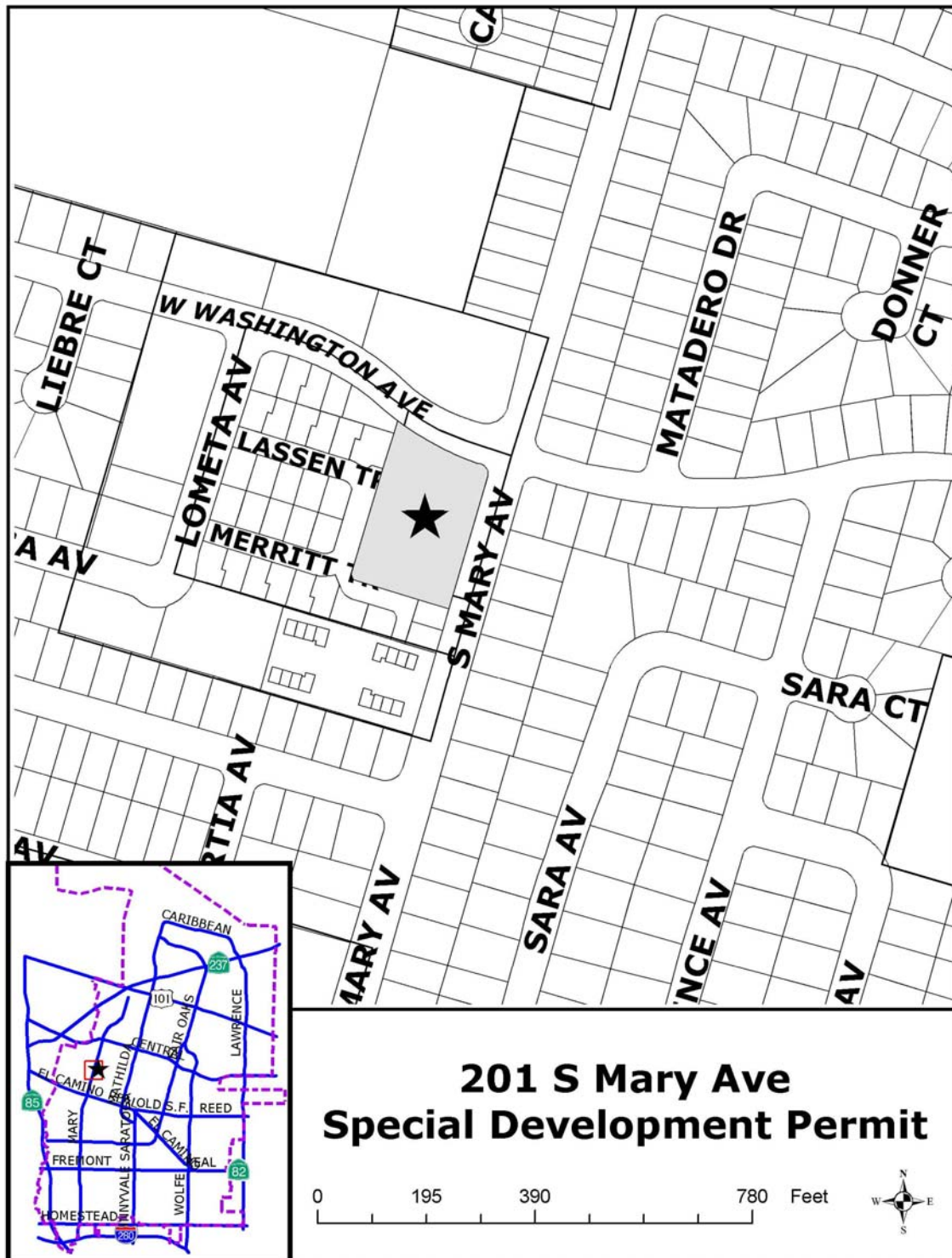
Surrounding Land Uses

| | |
|-------|---|
| North | Vacant Lot Zoned Medium Density Residential |
| South | Medium Density Residential |
| East | Low Density Residential - Single Family |
| West | Low-Medium Residential – Single Family (under construction) |

Issues Parking, Compatibility of Use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

| | <u>EXISTING</u> | <u>PROPOSED</u> | <u>REQUIRED/ PERMITTED</u> |
|--|-------------------------|-------------------------|---------------------------------------|
| General Plan | Neighborhood Commercial | Same | N/A |
| Zoning District | C-1/PD | Same | --- |
| Lot Size (s.f.) | 49,101 | Same | No min. |
| Gross Floor Area (s.f.) | 12,000 | 1,991 (tenant space) | No max. |
| Lot Coverage (%) | 24.4 | Same | 35% max. |
| No. of Buildings On-Site | 2 | Same | Per SDP |
| Distance Between Buildings | 28 | Same | Per SDP |
| Building Height (ft.) | 18 | Same | 40 max. |
| No. of Stories | 1 | Same | 2 max. |
| Setbacks (facing prop.) | | | |
| • Front | 10 | Same | Per SDP |
| • Left Side | 15 | Same | 15 min. |
| • Right Side | 47 | Same | 15 min. |
| • Rear | 25 | Same | 10 min. |
| Landscaping (sq. ft.) | | | |
| • Total Landscaping | 12,937 | Same | 9,844 min. |
| • Frontage Width (ft.) | 15 | Same | 15 ft. min. |
| Parking | | | |
| • Total No. of Spaces | 67 | Same | 67 min. |
| • No. of Standards | 40 | Same | Per SDP |
| • No. of Compacts / % of total* | 27/40.2% | Same | Per SDP |
| • No. of Accessible | 2 | Same | 2 min. |

* - Deviation approved through original SDP 2001-0356

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

| File Number | Brief Description | Hearing/Decision | Date |
|--------------------|--|---------------------------------|-------------|
| 2003-0925 | Special Development Permit to allow dry cleaning service | Administrative Hearing/Approved | 1/14/04 |
| 2001-0356 | Special Development Permit to develop a commercial center and 31 single family homes | City Council/ Approved | 9/17/02 |
| 2001-0355 | Rezone a portion of the 4 acre site from C-1 to R1.7/PD and the remainder as C-1/PD | City Council/ Approved | 9/17/02 |

An application for a Master Sign Program (2004-0101) is currently under review for this site. Any proposed signs for this site shall comply with the approved Master Sign Program as noted in condition of Approval #3.

Description of Proposed Project

The application is for a new fitness center to be located in a vacant tenant space within a newly constructed commercial building. A Special Development Permit is required for recreational uses in the C-1/PD Zoning District.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include changes in use.

Special Development Permit

Use: The proposed use is for a fitness center. The applicant plans to specialize in women's fitness and health. However, an approved Special Development could provide the opportunity for future tenants to utilize the space for varying types of fitness. The hours of operation would range from 7:30 a.m. to 7:00 p.m. during the week and 8 a.m. to 1:00 p.m. on Saturdays. The business would be closed on Sundays. Staff is recommending a broader range of hours

for the proposed business and future similar uses. Condition of Approval #7, states the hours shall not exceed 6 a.m. until midnight, each day of the week. The business would allow patrons to exercise at various stations within a 30 minute time period. It is expected that customers will not remain at the site for long periods of time. Two part time employees would be present at the site any specific time of the day.

Site Layout: The site contains two commercial buildings. The proposed use would utilize a tenant space located at the corner of the building located at the northeast area of the site. A parking area is located west and south of the building.

Floor Plan: See Attachment #3 for more details. The majority of the tenant space will contain various pieces of exercise equipment. A partitioned wall will separate a changing area for customers. The tenant space will not contain any shower facilities.

Architecture: The existing buildings were recently built as part of the development proposal approved in September of 2002. No exterior modifications are proposed at this time.

Landscaping: The site was approved with 12,937 square feet of landscaping when the development was approved in September of 2002. This meets the required landscaping for properties in the C-1 Zoning District. No modifications are proposed at this time.

Parking/Circulation: The proposed use is part of a shopping center that was developed at a specific rate of parking. The parking rate for shopping centers of 20,000 square feet or less is a rate of 1 space per 180 square feet, according to Sunnyvale Municipal Code 19.46.050. However, Sunnyvale Municipal Code 19.46.020 specifies that when one use comprises 10 percent of the floor area for the center, a combination of each of the parking rates shall apply. The tenant space comprises of 1,991 square feet of the 11,950 square foot building. In this case, the proposed fitness use utilizes the following rate:

| Land Use | # of parking spaces required | Compact Spaces |
|--|--|--|
| Recreational Assembly Areas: Dance Halls, Skating Rinks, Auditoriums, Clubs, Lodges, Gymnasiums, Stadiums, or Assembly Areas for more than 20 persons | 1 space per every 3 fixed seats (stations), plus 1 space per 21 sq. ft. of open area useable for seating, plus 1 space per 400 sq. ft. of additional floor area. | 10% of required spaces. (50% along periphery) |

The tenant space would contain 8 stations that comprise 1,191 square feet of the building. As one space per three stations is required, three parking spaces are needed for a portion of this use. Additionally, the remaining 800 square feet require two spaces (one space per 400 square feet of additional area). In sum, the proposed use requires five spaces. The applicant has noted that the business will have approximately three part time employees, two of which would be on site at any period of the day. Therefore, the site would require fewer spaces than the one space per 180 square feet ratio that would have applied to general shopping center uses. Staff finds that there is adequate on-site parking to support the use.

Compliance with Development Standards

The proposed project complies with standard development requirements as approved by the Special Development Project. The site was approved with the following deviations:

- Front setback from Washington of 10 ft.
- Compact spaces greater than 35% of the total parking provided

The proposed fitness center does not propose modifications to any of the approved site development standards and is in compliance with the previously approved permit. The proposed use would utilize an alternative parking rate than the approved shopping center rate; however, the site provides adequate parking for the approved use. Future considerations to increase the area of the use or number of exercise stations would be considered a modification of the approved use and subject to review, as noted in Condition of Approval #5.

Expected Impact on the Surroundings

All activity from the proposed business will occur within the new building. There are no anticipated impacts to surrounding properties that are not customary from neighborhood shopping center uses.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

| Notice of Public Hearing | Staff Report | Agenda |
|---|---|---|
| <ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site | <ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website |

Alternatives

1. Approve the Use Permit with the attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Project Description from the Applicant

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Policy Sub-Element

N1.3 *Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the city.*

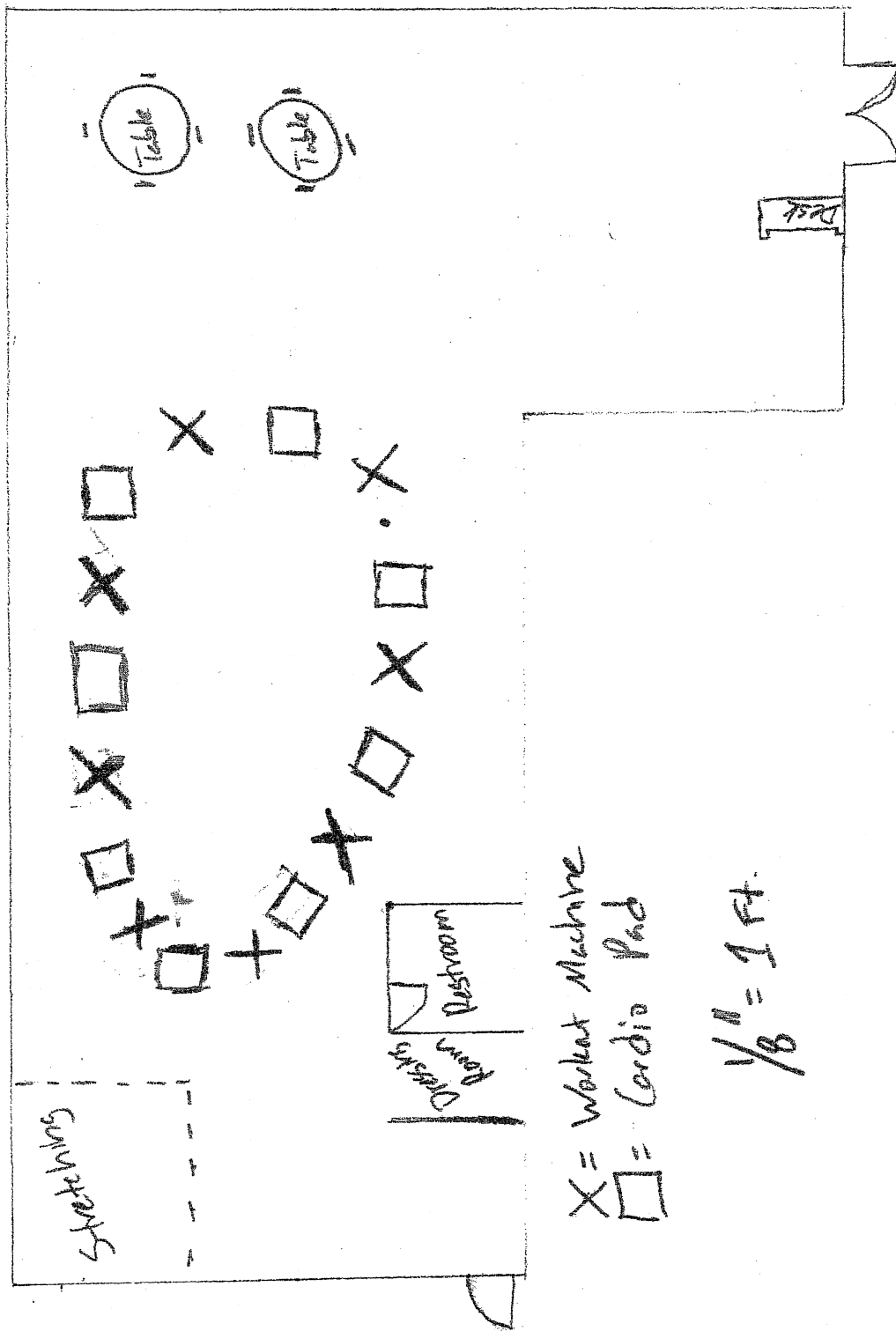
The small fitness center is in character with the neighborhood shopping center type use. The use will provide an additional and valuable service to the new shopping center. The use will provide new and current residents a recreational use within close proximity.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the site provides adequate parking for the proposed recreational use. The proposed use should not cause a significant increase in noise and odor as the use will occur within an enclosed tenant space. The project does not propose any exterior modifications to the newly constructed shopping center.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. Obtain necessary Building Permits prior to construction.
2. Conditions of Approval shall be reproduced on one page of the plans submitted for a Building Permit for this project.
3. Any proposed signs shall comply with the approved Master Sign Program.
4. This Special Development Permit shall expire within two years from the date of approval if not exercised.
5. Any major site plan and architectural modifications or changes to the use shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing, except minor changes of the original approved plans may be approved administratively by the Director of Community Development. According to the required parking for the site, an increase in 19 stations, or expansion in area shall constitute a major modification of the approved use.
6. The proposed use shall comply with the noise requirements outlined by Sunnyvale Municipal Code 19.42.030. No outdoor loudspeakers permitted.
7. The hours of operation shall be limited to 6 a.m. until 12 a.m. (midnight), seven days a week



X = Workout Machine
 □ = Cardio Pad

1/8" = 1 ft.

201 S. Mary

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SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS: IN SHAPE, LLC.



Project: Mary Avenue Retail Center
Address: 201 South Mary Avenue @ Washington
Owner: S&S Properties, LLC
Proposed Tenant: In Shape, LLC dba "Curves for Women"

Our proposed use of 1,991 square feet of retail space in 201 South Mary Avenue, "Mary Avenue Retail Center," is for a "Curves for Women" franchise to be owned and operated by In Shape, LLC – which already has two existing Curves franchise operations.

Mary Avenue Retail Center is still under construction, to be completed in early February. In Shape has already agreed upon all real estate terms with the landlord, S&S Properties, Inc., for this space.

Currently, there are over 6,000 Curves locations in North America. This unique business model is rapidly becoming the most successful workout program for women. And local demand for additional Curves facilities far outweighs supply.

The success of Curves is that it offers women a nurturing, private environment in which they can comfortably achieve their fitness and health goals. And all of this is offered in manageable 30-minutes classes for an affordable membership fee.

Specific to Sunnyvale's General Plan, relevant to our proposed use, we strongly believe that allowing Curves to operate in 201 South Mary Avenue will fulfill a growing community demand for a proven, affordable women's fitness center.

The presence of Curves will also bring foot traffic to, and subsequently generate word-of-mouth for, this brand-new retail center – which is only partially leased. At the same time, the traffic and parking impact of Curves will be nominal. The structure of the Curves workout program is such that only 10 members can participate in each class – and not every class will be full.

Additionally, Curves will not cause any noise pollution and/or disruption to local residents. Music is played during classes, but at a low decibel that enables participants to socialize. Nor will there be any loitering or other disturbances to retailers or residents. Curves members are local residents and working professionals who come for a quick 30-minute workout and head directly back to home or work.

Hours of operation will be:

- *Monday through Friday 7:30 a.m. – 1:00 p.m.; 4:00 p.m. – 7:00 p.m.*
- *Saturday: 8:00 a.m. – 1:00 p.m.*
- *Sunday: CLOSED*

Additionally, Curves locations do not offer showers -- just changing rooms -- so there are no special Tenant Improvements required to open a Curves. With the exception of installing a changing room, the spaces will be used as delivered by the landlord.

We appreciate your consideration for a Use Permit, and we hope to be up and running in Sunnyvale in the very near future.

Sincerely,



Patrick O'Brien

WAYNE MASCIA ASSOCIATES

Broker for In Shape, LLC